



GAU 1761 \$

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9.84Please type a plus sign (+) inside this box → ☐Approved for use through 09/30/00: OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))CHECK BOX, if applicable:  
☐ DUPLICATE

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No.

29865

First Named Inventor

Maria Anna Wubben

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EL 424852967US

Total Pages

5

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 08 / 776,321  
filed on April 15, 1997, entitled Pectins as Foam Stabilizers for Beverages Having a  
Foam Head

**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_  
under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment and request for extension of time is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
.....
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

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[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

09/20/1999

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02 FC:131

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PTO/SB/29 (12/97)  
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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	25 -20 =	5	x \$ 18.00=	\$ 90.00
	INDEPENDENT CLAIMS(37 CFR 1.16(b))	2 -3 =	0	x \$ 78.00=	\$ 0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 260.00=	\$ 0.00
				BASIC FEE (37 CFR 1.16(a))	\$ 760.00
				Total of above Calculations =	\$ 850.00
	Three Month Extension of Time Fee			=	\$ 870.00
				TOTAL =	\$ 1,720.00

6. Small entity status:

- a. ☐ A small entity statement is enclosed.  
b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.  
c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 16-0820; Order No. 29865

- a. ☒ Fees required under 37 CFR 1.16.  
b. ☒ Fees required under 37 CFR 1.17.  
c. ☐ Fees required under 37 CFR 1.18.

8. ☒ A check in the amount of \$ 1,720.00 is enclosed.

9. ☐ Other: .....

**NOTE:**

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

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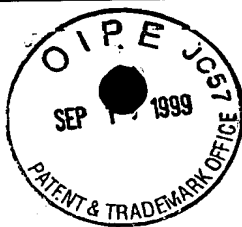
or ☐ New correspondence address below

(insert Customer No. or Attach bar code label here)

NAME	John P. Murtaugh, Reg. No. 34226					
	PEARNE, GORDON, McCOY & GRANGER LLP					
ADDRESS	526 Superior Avenue East					
	Suite 1200					
CITY	Cleveland	STATE	Ohio	ZIP CODE	44114-1484	
COUNTRY	US	TELEPHONE	216-579-1700	FAX	216-579-6073	

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME	John P. Murtaugh, Reg. No. 34226
SIGNATURE	<i>John P. Murtaugh</i>
DATE	Sept. 17, 1999



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Maria Anna Wubben, et al.  
Title: PECTINS AS FOAM STABILIZERS FOR BEVERAGES  
HAVING A FOAM HEAD  
Serial No.: 08/776,321 Art Unit: 1761  
Filing Date: April 15, 1997  
Examiner: Curtis E. Sherrer  
Docket No.: 29865

PRELIMINARY AMENDMENT AND REQUEST FOR EXTENSION OF TIME

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The three month period for response to the final rejection mailed March 18, 1999 expired on June 18, 1999. Accordingly applicant respectfully requests and petitions for a three month extension to time, up to and including September 18, 1999, within which to respond or take other action. The \$870.00 extension of time fee is included in the enclosed check covering the filing fee for the accompanying continued prosecution application.

Please amend the application before its examination as follows.

IN THE CLAIMS:

Please amend claims 28, 29, 36, 48 and 49 as follows:

1 28. (twice amended) A method according to claim 21,  
2 wherein said hop pectin extract has anhydrogalacturonic acid  
3 content of 70 to [80%] 80 weight percent.

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